

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Suits – APAT - C.A.No.414/2008 in O.A.No.2457/2003 filed by Smt.M.Jagadamba, Assistant Backward Classes Welfare Officer – Implementation of orders of APAT, dated:26.4.2007 in O.A.No.2457/2003 with M.A.No.1390/2003 by assigning notional Promotion to Smt.M.Jagadamaba, Assistant Backward Classes Welfare Officer in Zone-I on par with her Junior w.e.f. 7.2.2003 – Orders – Issued.

BACKWARD CLASSES WELFARE (A) DEPARTMENT

G.O.Rt.No.316

Dated: 13.10.2008

Read the following:-

1. From the Commissioner, BC Welfare, Procds. Rc.No.A1/3838/2001, dt:7.2.2003
2. Orders of APAT, dt:26.4.2007 in O.A.No.2457/2003 with M.A.No.1390/2003
3. Minutes of the DPC Meeting held on 30.8.2008
4. From the Director, BC Welfare, Procds.Rc.No.A1/3654/2003, dt:2.9.2008
5. From the Director, BC Welfare, Lr.Rc.No.A1/3654/2003, dt:2.9.2008
6. Govt., Memo.No.4180/A/2008, dt:11.9.2008
7. Orders of APAT, dt:9.9.2008 in C.A.No.414/2008 in O.A.No.2457/2008
8. From the Director, BC Welfare, Lr.Rc.No.A1/3654/2003, dt:6.10.2008
9. From the Director, BC Welfare, Lr.Rc.No.A1/3654/2003, dt:10.10.2008
10. From the Director, BC Welfare, Lr.Rc.No.A1/3654/2003, dt:13.10.2008

ORDER:

In the Proceedings 1st read above, Sri.R.K.Simhachalam, Grade-I Hostel Welfare Officer, Vizianagaram District was temporarily promoted as Assistant BC Welfare Officer under Rule 10 (a) of the AP State and Subordinate Service rules 1996. Though Smt.M.Jagadamba, Grade-I Hostel Welfare Officer was shown as senior to Sri.R.K.Simhachalam, she was not considered for promotion as she had not passed requisite departmental test i.e., Account Test for Subordinate Officers Part-II or Executive Officers.

2. Aggrieved by the action of the Commissioner, BC Welfare, Smt.M.Jagadamba has filed O.A.No.2457/2003 before the APAT stating that as per rule 15 (a) of AP State and Subordinate Rules 1996, where a test is newly prescribed, a member of Service, who has not passed the test but otherwise eligible for promotion, may be promoted subject to the condition that she shall pass the said tests within the period of probation or within one year or in one of the first two examinations held after such promotion whichever is later. The APAT in its order dt:26.4.2007 has directed to place the matter before Review DPC as on 23.1.2003 and Review DPC shall consider the case of the applicant under rule 15 (a) APSSS Rules 1996 and recommend promotion of the applicant with effect from the date when the unofficial respondent has been promoted and the consequential orders to be issued by the Director, BC Welfare within a period of 8 weeks from the date of the receipt of the order. As the Review DPC could not be held, she has filed C.A.No.414/2008 in O.A.No.2457/2003. The Review Departmental Promotion Committee in its meeting held on 30.8.2008 has recommended to promote Smt.M.Jagadamba as Assistant Backward Classes Welfare Officer from the date on which her immediate junior was promoted to that cadre i.e., 7.2.2003. The Director, BC Welfare in her Procds., dt:2.9.2008 has promoted Smt.M.Jagadamba as Assistant Backward Classes Welfare Officer.

3. The Director, BC Welfare in her letter 5th read above has requested the Government to accord notional promotion to Smt.M.Jagadamba as Assistant Backward Classes Welfare Officer w.e.f. 7.2.2003 i.e., from the date on which her immediate junior was promoted to that cadre. In the reference 6th read

above, the Director, BC Welfare was requested to issue notices to the affected parties, examine the objections if any received and dispose them and furnish proposals with specific recommendations for assigning notional date of promotion to Smt.M.Jagadamba on par with her immediate junior. The Director, BC Welfare in her memo, dt:19.9.2008 has issued Show Cause notices to the affected parties with a direction to file their objections if any within seven days from the date of the receipt of the memo. All the affected parties except Sri.R.K.Simhachalam have submitted their no objection to assign notional promotion to Smt.M.Jagadamba w.e.f. 7.2.2003.

4. The Commissioner, BC Welfare after examining the objections of Sri.R.K.Simhachalam, Assistant Backward Classes Welfare Officer with reference to the existing rules has recommended to Government to assign notional promotion to Smt.M.Jagadamba in the cadre of Assistant Backward Classes Welfare Officer w.e.f. 7.2.2003 on par with her immediate junior.

5. Government after examining the matter in detail and in exercise of powers under Rule 31 of Andhra Pradesh State and Subordinate Service Rules 1996 hereby assign notional promotion to Smt.M.Jagadamba in the cadre of Assistant Backward Classes Welfare Officer w.e.f. 7.2.2003 on par with her immediate junior in relaxation of rule 33 (a) of Andhra Pradesh State and Subordinate Service Rules 1996.

6. The Director, BC Welfare is requested to take further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**T.SATYANARAYANA RAO
SECRETARY TO GOVERNMENT**

To
The Director, BC Welfare, AP, Hyderabad
The Individuals through Director, BC Welfare, AP, Hyderabad
The GP for BCW (S), APAT
The Registrar, APAT
Copy to:
The PS to M(BCW)
The PS to Secretary, BCWD
The PA to JS, BCWD
SF/SC

//Forwarded by order//

Section Officer